

Honolulu, Hawaii

APR 09 2015

RE: S.C.R. No. 81
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred
S.C.R. No. 81, S.D. 1, entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A
TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE
SUBMERGED LANDS AT LAHAINA, MAUI FOR SEAWALL ENCROACHMENT
PURPOSES AND AUTHORIZING THE ISSUANCE OF A TERM, NON-
EXCLUSIVE EASEMENT FOR THE RIGHT, PRIVILEGE, AND AUTHORITY TO
USE, MAINTAIN, REPAIR, AND REPLACE AN EXISTING SEAWALL OVER,
UNDER, AND ACROSS STATE-OWNED LAND IN LAHAINA, MAUI,"

begs leave to report as follows:

The purpose and intent of this measure is to resolve
encroachments on state submerged lands.

More specifically, the measure:

- (1) Authorizes the issuance of a term, non-exclusive
easement to Paul D. Gossman, as trustee of the Paul D.
Gossman Residence Trust, over a portion of state-owned
land located in Lahaina, Maui, identified as tax map key
number (2)4-5-003, seaward of parcel 026 (first subject
property), for seawall encroachment purposes, according
to the terms and conditions approved by the Board of
Land and Natural Resources on August 9, 2013; and
- (2) Authorizes the issuance of a term, non-exclusive
easement to the Association of Apartment Owners of
Lahaina Roads over, under, and across state-owned land



in Lahaina, Maui, identified as tax map key number (2)4-5-013, seaward of parcel 027, an area of approximately 2,352 square feet (second subject property), for the right, privilege, and authority to use, maintain, repair, and replace an existing seawall, according to the terms and conditions approved by the Board of Land and Natural Resources on July 27, 2012.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that section 171-53, Hawaii Revised Statutes, requires the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution for these dispositions of state submerged lands.

Your Committee also finds that on August 9, 2013, under agenda item D-10, the Board of Land and Natural Resources approved the request of Paul D. Gossman, as trustee of the Paul D. Gossman Residence Trust, for a term, non-exclusive easement over the first subject property for seawall encroachment purposes. The easement term is for fifty-five years in consideration for a one-time payment to be determined by independent appraisal establishing a fair market rent, subject to review and approval by the Chairperson of the Board of Land and Natural Resources.

Your Committee further finds that on July 27, 2012, under agenda item D-3, the Board of Land and Natural Resources approved the request of the Association of Apartment Owners of Lahaina Roads for a term, non-exclusive easement over the second subject property for the right, privilege, and authority to use, maintain, repair, and replace an existing seawall.

Your Committee notes that the authorization under this measure is subject to confirmation by survey of the Department of Accounting and General Services.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 81, S.D. 1, and recommends its adoption.



Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



JILL N. TOKUDA, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SCR 81 SD1	Committee Referral: WTL, WAM	Date: 4-8-15										
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____												
The Recommendation is: <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Pass, unamended 2312 </div> <div> <input type="checkbox"/> Pass, with amendments 2311 </div> <div> <input type="checkbox"/> Hold 2310 </div> <div> <input type="checkbox"/> Recommit 2313 </div> </div>												
Members	Aye	Aye (WR)	Nay	Excused								
TOKUDA, Jill N. (C)	✓											
KOUCHI, Ronald D. (VC)	✓											
CHUN OAKLAND, Suzanne	✓											
DELA CRUZ, Donovan M.	✓											
ENGLISH, J. Kalani	✓											
GALUTERIA, Brickwood				✓								
HARIMOTO, Breene	✓											
INOUE, Lorraine R.	✓											
RIVIERE, Gil	✓											
RUDERMAN, Russell E.	✓											
SLOM, Sam	✓											
TOTAL	10	0	0	1								
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>												
Chair's or Designee's Signature: Jill N. Tokuda												
<table style="width: 100%; border: none;"> <tr> <td style="width: 25%;">Distribution:</td> <td style="width: 25%;">Original</td> <td style="width: 25%;">Yellow</td> <td style="width: 25%;">Pink</td> </tr> <tr> <td></td> <td>File with Committee Report</td> <td>Clerk's Office</td> <td>Drafting Agency</td> </tr> </table> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Goldenrod Committee File Copy </div>					Distribution:	Original	Yellow	Pink		File with Committee Report	Clerk's Office	Drafting Agency
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*Only one measure per Record of Votes